

## REMARKS

### 35 U.S.C. § 102 and 103 Rejections

The Examiner has rejected claims 1-7, 10-15, 18-23, 25, 26, 28, 29 and 39 under 35 U.S.C. § 102 (e) as being anticipated by May, et al. (U.S. Patent Application Publication No. 2003/0095193, hereinafter "May"). The Examiner has rejected claims 8, 9, 16, 17, 24, 27, 30, 31, 34, 37 and 38 under §103 (a) as being unpatentable over May in view of Takiguchi, et al. (U.S. Patent No. 6,243,103, hereinafter "Takiguchi").

In response to the Examiner's comments and in view of the cited prior art, the claims have been amended to more clearly define the invention over the cited prior art. It is respectfully submitted that all of the claims as amended are novel and patentable.

In the claims, independent claims 1, 11, and 19 have been amended to include features of the invention as described in the specification as originally filed. Specifically, support for the amendments may be found through out the specification, for example, in original claims 30 and 31, FIG. 6, and paragraphs [0039], [0044], and [0045].

May discloses a digital camera that allows for capturing a series of overlapping digital images to be used in constructing a panoramic digital image. Once the images are captured, the user removes the removable memory card containing the images and inserts it into a host computer where the images are then stitched together to produce a panoramic image. May

does not suggest a digital camera having a processor that automatically processes the images to form a panoramic image. Therefore, it is clear that the claims as amended are novel and patentable over May taken alone.

Takiguchi discloses an image sensing means and an image synthesizing means within an image synthesizing system for generation of a panoramic image comprising a digital camera and a personal computer. The system discloses that the personal computer determines whether an image which is currently sensed by the camera is suitable for being synthesized into a panoramic image or not on the basis of an overlapping area between a first recorded image and a current sensed image (see Abstract). Importantly, the next step in the process in Takiguchi requires user input to record the current sensed image. After the Takiguchi system determines and informs the user that a sensed image is suitable for panoramic image synthesis, the system requires the user to press the shutter button to record the sensed image (see column 4, lines 42-60; paragraph bridging columns 7 and 8; column 9, lines 24-60; column 13, lines 12-24; paragraph bridging columns 14 and 15). Additionally, once the two images have been recorded, the Takiguchi system requires additional user input for the user to a press-down operation of a synthesis button icon (see column 8, lines 18-26, FIG. 5B and FIG. 6). In this manner, feedback and confirmation of information, which in essence includes orientation and panning information, is required by the user before the image

is recorded. In the Takiguchi system, the images must have been recorded in this manner before synthesizing the images.

Additionally, Takiguchi relates to determining a rate of panning, not the direction of panning and the camera orientation. In Takiguchi, the rate of panning, as discussed in the passage referred to by the Examiner in column 12, lines 40-55, directly determines the manner in which images are captured by the camera in the system, as discussed above. As such, the system of Takiguchi is more related to the capture of images in a particular manner providing alerts to the user during the process of image capture for synthesizing the panoramic image. For these reasons, a skilled artisan considering May in view of Takiguchi would not be able to conceive the claimed invention.

Unlike the cited prior art, the invention as defined by the independent claims recites that the formation of the panoramic image depends on the processor for determining camera orientation and pan direction. Importantly, no user input or feedback is required. Camera orientation and pan direction is calculated by the processor by selecting a plurality of suitable features in two adjacent images. In this manner, as explained in the description in paragraph [0040], the user captures the entire panoramic sequence scene in a single continuous sweeping action, and does not need to stop to take each snapshot. After the user depresses the final snapshot to end the sequence and the sequence is automatically transferred to the processor for stitching images, the

user only sees the final stitched panoramic image, see [0057]. The systems of the cited prior art in May and Takiguchi do not disclose such a processor and method that determines camera orientation and pan direction in the manner claimed, and therefore do not disclose the invention as defined by the independent claims 1, 11, 19, and 34, and dependent claims 2-10, 12-18, 20-29, 32-33, and 35-39 submitted herewith.

In view of the above considerations, the Applicant submits that the novelty and obviousness rejections raised against the claims are moot in view of the amendments to the claims and cannot be properly sustained and should therefore be withdrawn accordingly.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1-7, 10-15, 18-23, 25, 26, 28, 29, and 39 under 35 U.S.C. § 102 (e) as being anticipated by May, et al. and claims 8, 9, 16, 17, 24, 27, 30, 31, 34, 37 and 38 under § 103 (a) as being unpatentable over May in view of Takiguchi, et al.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is

hereby requested. Please charge any corresponding fee to Deposit Account No.  
02-2666.

Respectfully submitted,

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